

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOSEPH JEAN BAPTISTE,

Plaintiff,

-against-

ORDER

15-CV-0870 (JS) (AYS)

NASSAU COUNTY JAIL, NASSAU COUNTY  
CORRECTIONAL FACILITY,

Defendants.

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APPEARANCES:

For Plaintiff: Joseph Jean Baptiste, pro se  
14002725  
Nassau County Correctional Center  
100 Carman Avenue  
East Meadow, New York 11554

For Defendants: John J. Doody, Esq.  
Dale Nicholson McLaren, Esq.  
Lewis Brisbois Bisgaard & Smith, LLP  
77 Water Street, Suite 2100  
New York, NY 10005

SEYBERT, District Judge:

Incarcerated pro se plaintiff Joseph Jean Baptiste ("Plaintiff"), filed an in forma pauperis Complaint in this Court on February 17, 2015 pursuant to 42 U.S.C. § 1983 against the Nassau County Jail and the Nassau County Correctional Facility. By Memorandum & Order ("M&O") dated April 23, 2015, the Court granted Plaintiff's application to proceed in forma pauperis and sua sponte dismissed the Complaint pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1) and gave Plaintiff leave to file an Amended Complaint within thirty (30) days from the date of the M&O. To date, Plaintiff has not filed an Amended Complaint or otherwise communicated with the Court.

Accordingly, Plaintiff's Complaint is DISMISSED WITH PREJUDICE for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of the Court is directed to CLOSE this case and to mail a copy of this Order to the pro se Plaintiff.

SO ORDERED.

/s/ JOANNA SEYBERT  
JOANNA SEYBERT, U.S.D.J.

Dated: July 16, 2015  
Central Islip, New York